Remarks

Claims 1-13 have previously been withdrawn. Claims 14-49 are cancelled. New claims 50-65 have been added to this application and are supported by the specification in general and, more specifically, by at least pages 2-3 and 9-10 of the specification as filed with this application. As such, Applicant believes that no new matter has been added by this amendments. Thus, claims 50-65 are now pending in this application.

Applicant has cancelled the "reinsertion" of claims 14-30 and has listed claims 31-49 as cancelled as well, per the Examiner's Non-Compliance rejection. Applicant has submitted Examiner's suggested amendments to facilitate the progression of these claims toward allowance.

Claims Rejection – 35 U.S.C. § 102(e)

Former claims 14-30 were rejected in the Office Action dated June 20, 2005, allegedly, as being clearly anticipated by Kelly *et al.*, U.S. Patent No. 6,293,865 ("Kelly"). Claims 50-65 now include the limitation that the amusement games be grouped based on their location and, more specifically, their defined geographic location, in addition to being grouped into a collective award pool. Kelly in no way anticipates or discloses such a feature and as such claims 50-65 are allowable.

Claims Rejection – 35 U.S.C. § 103

Former claims 14-30 have been previously rejected under 34 U.S.C. § 103(a) as being allegedly unpatentable over Walker *et al.*, U.S. Patent No. 5,779,549 ("Walker"), in view of Moody, U.S. Pub. No. 2002/0093136 ("Moody"). Claims 50-65 now include the limitation that the amusement games be grouped based on their location and, more specifically, their defined geographic location, in addition to being grouped into a collective award pool. This limitation is in no way met by the combination of Walker and Moody. Further, this limitation is not obvious even if the Examiner attempts to combine the teachings of Kelly with those of Walker and Moody because none or the references individually or in combination disclose such a feature.

An obviousness rejection under §103 requires that all the limitations of a claim must be taught or suggested by the prior art. M.P.E.P. § 2143.03 (citing *In re Royka*, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974)). A *prima facie* case of obviousness, *inter alia*, requires:

(i) a "suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings," and

(ii) that "the prior art reference[s] . . . must teach or suggest all the claim limitations."

See M.P.E.P. § 2143 (citing *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991)).

As stated in the Office Action dated April 23, 2004, Walker discloses a system 100 for providing tournaments among players of games devices. There are a plurality of gaming devices 104,106 identified as personal computers. The gaming devices are adapted for communication over a network 108. The gaming devices communicate to at least one server 102, the server having access to databases that store player information and information pertaining to a gaming tournament. *See, e.g.*, col. 5, lls. 32-40.

Moody discloses a method for operating an **individual** gaming machine by a casino. *See* Moody at ¶¶ 3, 7, 11, 13, 15, 22-23, 29, 42, 53-56, *etc.* The gaming machines in Moody are stand-alone machines and are not linked with other machines.

Neither Walker, Moody, nor the combination thereof discloses, teaches, or suggests the Applicant's claimed invention. Walker does not teach or suggest grouping the game devices based on the defined geographic locations, in addition to grouping the game devices into a collective award pool. In fact, Walker does not suggest in any way determining or defining the location, especially the geographic location, of a gaming device as specifically claimed by the Applicant in claims 50-65.

These deficiencies are not overcome by combining the wagering games of Moody with Walker's games. Moody fails to disclose, teach, or suggest grouping devices in any way whatsoever. Moody, more particularly, fails to describe grouping the devices based on their geographic locations, as specifically claimed by Applicant in claims 50-65.

Applicant agrees with the Examiner that one cannot show nonobviousness by attacking references individually when the rejections are based on combinations of the reference. However, in this case, the Applicant has attacked the combination of the references by showing that neither of the individual references discloses grouping based on one or more defined geographic locations in addition to grouping into a collective award pool. Because neither Walker nor Moody discloses location based grouping, the combination thereof cannot possibly disclose this feature.

In the Office Action dated June 20, 2005, the Examiner states that Walker discloses "pay a fee,

play a game and get a prize" and that "based on location, is where the equipment is located, because the Applicant fails to further define a location." The Examiner's broad definition of what Walker discloses is not justified by the Walker reference itself. Nowhere, does Walker discuss or even mention determining or identifying where a gaming device is located. While it is obviously true that there must be physical devices located *somewhere* to conduct the tournaments of Walker, the geographical location of the physical devices is in no way discussed or utilized within the Walker reference. Further, does the Examiner mean where the central controller is located, where the game devices themselves are located, or where another physical portion of the distributed electronic tournament system resides? Walker provides no assistance in determining what the Examiner means by this statement because Walker does not discuss geographic locations in any way. Alternatively, Applicant specifically claims grouping the devices based on the geographic locations of the gaming devices themselves.

Claims 50-65 require that the game devices be grouped into a collective award pool and that the grouping further is based on the geographic location of the game devices. Thus, each of the plurality of grouping consist of one or more defined geographic locations. This limitation is in no way met by the combination of Walker and Moody. Further, this limitation is not obvious even if the Examiner attempts to combine the teachings of Kelly with those of Walker and Moody because none or the references individually or in combination disclose such a feature. Therefore, the Applicant respectfully requests that the Examiner allow the pending claims to proceed towards issuance.

Conclusion

In view of the above remarks, Applicant believes the pending application is in condition for allowance. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. Applicant believes that no fee is due with respect to this Amendment and Response, however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47089-00040. A duplicate copy of this Amendment and Response is enclosed for that purpose.

Respectfully submitted,

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By_____

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